

**In the Claims:**

1. (Currently Amended) A communication system for delivering audio and/or video messages to a viewer subscriber, comprising:

a transmitter for transmitting broadcast programming and audio and/or video messages to a viewer-subscriber as separate data streams; and

at least one communication apparatus having receiver circuitry for receiving said audio and/or video messages data stream separate from receiving the data stream containing said broadcast programming, ~~each-subscriber~~ the viewer having at least one communication apparatus, said at least one communication apparatus further including:

a processor operatively connected to a mass storage device for processing and storing said received audio and/or video messages,

a sensor generating a ~~using~~ viewer presence message indicative of ~~a-subscriber~~ the viewer presence near the communication apparatus ~~using the broadcast programming wherein~~

said processor accesses said stored audio and/or video messages for display in place of the broadcast programming being currently ~~used~~ viewed by the ~~subscribers~~ viewer in response to the ~~using~~ viewer presence message.

2. (Original) The communication system of claim 1, wherein said processor displays said stored audio and/or video messages based upon detecting a trigger.

3. (Original) The communication system of claim 2, wherein said trigger comprises instructions received together with the audio and/or video messages or from instructions embedded in the broadcast content or both.

4. (Original) The communication system of claim 1, wherein said transmitter further includes:

an uplink facility for digitally encoding and multiplexing said audio and/or video messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and

a satellite for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus.

5. (Original) The communication system of claim 1, wherein said audio and/or video messages are advertisements or commercials provided by content providers and intended for targeted subscribers.

6. (Currently Amended) The communication system of claim 5, wherein content providers are assured that an advertisement or commercial reaches the ~~desired-subscribers~~ viewer as the content provider knows ~~the-targeted-subscriber~~, when the advertisement or commercial will be provided on a display device operatively connected to the ~~subscriber's~~ communication apparatus, and the amount or length of time the advertisement or commercial is to be provided to ~~the subscriber~~.

7. (Original) The communication system of claim 1, wherein the communication apparatus is a receiver or a set top box.

8. (Currently Amended) A method for providing audio and/or video messages to ~~subscribers in~~ a viewer within a communication system, comprising:

transmitting broadcast programming and audio and/or video messages to the ~~subscribers~~  
viewer as separate data streams from one location; and

generating a ~~viewing~~ viewer presence message indicative of a viewer presence near the  
communication apparatus ~~subscriber viewing the broadcast programming,~~

receiving said audio and/or video messages data stream separate from receiving the data  
stream containing said broadcast programming at the subscribers location, said received audio  
and/or video messages further subject to processing for display in place of the broadcast  
programming being currently used by the subscribers in response to a ~~viewing~~ the viewer  
presence message.

9. (Original) The method of claim 8, wherein said audio and/or video messages are  
displayed based upon detecting a trigger.

10. (Original) The method of claim 9, wherein said trigger comprises instructions  
received together with the audio and/or video messages or from instructions embedded in the  
broadcast content or both.

11. (Original) The method of claim 8, wherein said step of transmitting further  
includes

digitally encoding and multiplexing said audio and/or video messages into a packetized  
data stream;

encoding and modulating said digitally encoded data packet into a suitable frequency  
band for reception; and

transmitting the data packet to said subscribers.

12. (Original) The method of claim 8, wherein said audio and/or video messages are advertisements or commercials provided by content providers and intended for targeted subscribers.

13. (Currently Amended) The method of claim 12, wherein content providers are assured that an advertisement or commercial reaches the viewer ~~targeted-subscribers~~, as the content provider knows ~~the targeted-subscriber~~, when the advertisement or commercial will be provided to the viewer ~~targeted-subscriber~~, and the amount or length of time the advertisement or commercial is to be provided to ~~the targeted-subscriber~~.

14. (Currently Amended) A communication apparatus for processing audio and/or video messages received from a communication system for viewing by a subscriber, comprising:

receiver circuitry for receiving a audio and/or video message data stream that is transmitted separately from a data stream containing broadcast programming that is received,

a processor operatively connected to a mass storage device for processing and storing said received audio and/or video messages,

a sensor generating a ~~using~~ viewer presence message indicative of ~~a-subscriber~~ the viewer presence near the communication apparatus ~~using the broadcast programming wherein~~

a processor operatively connected to said receiver circuitry, the sensor and a mass storage device for processing and storing said received audio and/or video messages, wherein said processor accesses said stored audio and/or video messages for display in place of broadcast programming that is being currently used by the subscriber in response to the ~~viewer presence~~ using message.

15. (Original) The communication apparatus of claim 14, wherein said processor displays said stored audio and/or video messages based upon detecting a trigger.

16. (Original) The communication apparatus of claim 15, wherein said trigger comprises instructions received together with the audio and/or video messages or from instructions embedded in the broadcast content or both.

17. (Original) The communication apparatus of claim 14, wherein said transmitter further includes:

an uplink facility for digitally encoding and multiplexing said audio and/or video messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and

a satellite for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus.

18. (Original) The communication apparatus of claim 14, wherein said audio and/or video messages are advertisements or commercials provided by content providers and intended for targeted subscribers.

19. (Currently Amended) The communication apparatus of claim 18, wherein content providers are assured that an advertisement or commercial reaches the viewer ~~desired-subscribers~~ as the content provider knows ~~the targeted-subscriber~~, when the advertisement or commercial will be displayed on a display device operatively connected to the ~~subscriber's~~ communication

apparatus, and the amount or length of time the advertisement or commercial is to be provided  
~~used by the subscriber.~~

20. (New) The communication apparatus of claim 1, wherein the sensor comprises an IR sensor.

21. (New) The communication apparatus of claim 1, wherein the sensor comprises an IR receiver.

22. (New) The communication apparatus of claim 1, wherein the sensor comprises an IR receiver receiving a command stream from a remote control.

23. (New) The communication apparatus of claim 1, wherein the sensor comprises a movement sensor.

24. (New) The communication apparatus of claim 1, wherein the sensor comprises artificial intelligence software that detects movement.

25. (New) The communication apparatus of claim 1, wherein the sensor comprises an RF detection circuitry.

26. (New) The communication apparatus of claim 1, wherein the sensor comprises imaging hardware and software generating user presence data.

27. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an IR sensor.

28. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an IR receiver.

29. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from a remote control.

30. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from a movement sensor.

31. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from artificial intelligence software that detects movement.

32. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an RF detection circuitry.

33. (New) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from imaging hardware and software generating user presence data.

34. (New) The communication apparatus of claim 14 wherein the sensor comprises an IR sensor.

35. (New) The communication apparatus of claim 14 wherein the sensor comprises an IR receiver.

36. (New) The communication apparatus of claim 14 wherein the sensor comprises an IR receiver receiving a command stream from a remote control.

37. (New) The communication apparatus of claim 14 wherein the sensor comprises a movement sensor.

38. (New) The communication apparatus of claim 14 wherein the sensor comprises artificial intelligence software that detects movement.

39. (New) The communication apparatus of claim 14 wherein the sensor comprises an RF detection circuitry.

40. (New) The communication apparatus of claim 14 wherein the sensor comprises imaging hardware and software generating user presence data.